

November 13, 2006  
Seven o'clock P.M.  
North Little Rock City Hall Council Chambers  
300 Main Street  
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). Alderman GARY BERRY was absent. City Clerk Diane Whitbey and City Attorney Paul Suskie were also present.

The invocation was given by Alderman Gipson, followed by the pledge of allegiance to the flag which was led by Alderman Bryant.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, October 23, 2006, and a special call meeting held Thursday, October 26, 2006, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderwoman Robinson and seconded by Alderman Bryant, and by consent of all members present, communications # 1 and 4 were accepted and filed (7/0).

1. Dan Flowers, Director of Arkansas Highway and Transportation Department letter to Mayor Hays re: Minute Order pertaining to new collector street to intersect Highway 100.
4. Melissa Garrett, Petition to rename East 7<sup>th</sup> Street (between Main and Beech) to Bishop D. L. Lindsey Avenue.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #2 was read by title only, accepted and filed (7/0).

2. Mayor Hays letter to City Council re: boiler at North Little Rock Health Department not working and need to replace. (*Trans Arkansas low quote of \$18,272.00*).

Without objection, R-06-148 was called.

**\*R-06-148 (RESOLUTION NO. 7017 - MAYOR HAYS)**

A RESOLUTION APPROVING THE EMERGENCY PURCHASE OF A BOILER FOR THE NORTH LITTLE ROCK HEALTH DEPARTMENT; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Bryant. The amount in the resolution includes sales tax (\$19,916.00 - *General Fund*). On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was read by title only, accepted and filed (7/0).

3. Arkansas Municipal League Municipal Health Benefit Fund memorandum re: rates for North Little Rock will not change. New rate classification will be #2. Losses over 100% will result in increase in medical deductible for 2007 from \$200.00 to \$500.00.

Mayor Hays advised the loss ratio was 139.38%. An alternative is to increase the premium. Mayor Hays said the city will face a lot of financial decisions in the future. Based on history, there may be another increase in July.

Mayor Hays advised Boy Scout Troop 55 was present in order to meet the communication/merit badge requirement before they can become Eagle Scouts. Eighteen young men were present and introduced to the council. Alderman Bryant said he was an Eagle Scout and encouraged the scouts to stay with the program as it is a wonderful achievement. Mayor Hays recognized Waste Water Director Gary Mills two grandsons who are part of the troop.

Mayor Hays acknowledge Mr. Eddie Powell, and others who have served on the Water Commission. Alderman Bryant thanked Mrs. Sue Corker who was also present and has been involved in this effort. Mr. Jim Harvey, CEO, Central Arkansas Water (CAW) introduced Mr. Trevor Clements, Director of Watershed Management Planning Services and Kimberly Brewer, AICP, Associate Director, Tetra Tech, Inc. who presented a briefing on the Lake Maumelle Comprehensive Watershed Management Plan. The plan included illustrations of local government jurisdictions and Lake Maumelle Watershed. Overreaching goals are to maintain a long-term, abundant supply of high quality drinking water and provide equitable sharing of costs and benefits for protecting Lake Maumelle. Many land owners have been good stewards. The watershed area is 90% forested. The biggest threat is converting the forest to residential areas, increased population and associated wastewater. The plan includes working with the Arkansas Department of Environmental Quality (ADEQ) to prohibit direct discharge of wastewater to surface land, streams and the lake. Local governments could form Responsible Management Entities (RME) to own, operate and manage new non-discharging systems. Adoption of local sedimentation, erosion control, and watershed protection ordinances was recommended. Mr. Clements reviewed the upper watershed short-term large lot and cluster design options and Critical Area "B" and provided illustrations of the same. Critical Area "A" was discussed along with options including no development and/or limited development. Tetra Tech's recommendation includes considering Critical Area "A" in context of the whole watershed, overall risk reduction to the water supply and how well options meet adopted goals and objectives. He reviewed exemptions, oversight, CAW's support and how the plan would affect rates paid by customers. Tetra Tech will compile public comments through November 27, 2006. A revised plan will be presented to the CAW Board of Commissioners on December 14, 2006. Alderman Bryant said this is the only water source we have and it needs to be protected and encouraged other council members to do the same.

At the request of Alderman Gipson, Mayor Hays recessed the meeting at 7:35 p.m. The meeting was reconvened at 7:40 p.m.

## **UNFINISHED BUSINESS**

O-06-77

AN ORDINANCE ESTABLISHING A LOW INCOME ELECTRIC CUSTOMER ASSISTANCE FUND FOR CUSTOMERS OF THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times on August 28, 2006, was read a third and final time September 11, 2006, and amended, was called. After brief discussion, the legislation was withdrawn by the sponsor, Mayor Hays.

## **NEW BUSINESS**

R-06-144 (RESOLUTION NO. 7018 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 909 NORTH E. STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderman Witcher. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0). (*owner: Futhue McCoy Estate*)

R-06-145 (RESOLUTION NO. 7019 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4309 ROGERS IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Bryant. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0). (*owner: Anthony Donahue*)

R-06-146 (RESOLUTION NO. 7020 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1804 WEST 19<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Bryant. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0). (*owner: Ishaq Properties, Inc.*)

\*\*R-06-147 (RESOLUTION NO. 7021 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 700 WEST 23<sup>RD</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderman Hight. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0). (*owner: Ishaq Properties, Inc.*) *Note: item recalled at conclusion of new business.*

\*R-06-148 called following communication #2 (*see above*).

R-06-149 (RESOLUTION NO. 7022 - MAYOR HAYS)

A RESOLUTION ESTABLISHING A "LIVING WISE" EDUCATIONAL ENERGY CONSERVATION PROGRAM FOR THE NORTH LITTLE ROCK ELECTRIC

DEPARTMENT; APPROPRIATING FUNDS (\$50,000.00 - Electric Department Operations and Maintenance Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Bryant. Mr. Joe Gertsch, General Manager, North Little Rock Electric Department introduced Mr. Bob Reynolds, Engineer who advised the program would target 6<sup>th</sup> grade students in the North Little Rock School District, Pulaski County School District, Sherwood Elementary and private schools with students who live in North Little Rock. Kits would be distributed which contain information to help students (and their parents) learn ways to conserve water and energy by providing tips and links to local resources, while shaping conservation habits. The kit also includes an interactive CD. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

Alderman Witcher questioned the legal description contained in item R-06-147. Mayor Hays asked Mr. Tom Wadley, Director of Code Enforcement to review the legislation and recall at the end of new business. Mr. Suskie said the Lot and Block numbers were transposed.

R-06-150 (RESOLUTION NO. 7023 - MAYOR HAYS)

A RESOLUTION REQUESTING THE ARKANSAS HIGHWAY COMMISSION TO APPROVE AND ADOPT THE HIGHWAY 165 ACCESS MANAGEMENT PLAN; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Bryant.

Mayor Hays said the city previously adopted this plan (*see Res. 6447*). Alderman Thomas asked about the city regulating state highways. Following a brief discussion, and on the previous motion, and all members present having voted in the affirmative, with the exception of Alderman Thomas who voted no, the resolution was adopted (6/1).

R-06-151 (RESOLUTION NO. 7024 - MAYOR HAYS)

A RESOLUTION APPROVING THE 2007 ANNUAL ACTION PLAN FOR THE CITY OF NORTH LITTLE ROCK, INCLUDING 33<sup>RD</sup> YEAR (2007) CDBG AND HOME PROGRAM PROJECTS AND BUDGETS; AND FOR OTHER PURPOSES, was read. A motion to adopt

was made by Alderman Witcher and seconded by Alderman Hight. Ms. Mary Beth Bowman, Community Development Director reviewed the plan and advised there was a change on page 10 and elsewhere in the plan. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the 2007 Annual Action Plan was amended as follows:: *page 10, delete ~~Dark Hollow Community Development Corporation~~, and replace with 14<sup>TH</sup> STREET NEIGHBORHOOD PARK (7/0) (also change reference on page 13)*. Ms. Bowman reviewed the remaining projected use of funds. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was adopted as amended (7/0).

R-06-152 (RESOLUTION NO. 7025 - ALDERMAN PARKER)

A RESOLUTION APPROPRIATING FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL LOCATED AT WEST PERSHING AND TECH DRIVE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Parker and seconded by Alderwoman Robinson.

Mayor Hays advised Mr. Tim Marvin, Director of Traffic Services agreed a traffic light was needed at the location. On the previous motion, and all members

present having voted in the affirmative, the resolution was adopted (7/0). (\$97,314.00 - Railroad Crossing and Sales Tax Capital Improvement Fund)

O-06-103 (ORDINANCE NO. 7878 - MAYOR HAYS)

AN ORDINANCE AMENDING SECTION 102-78 OF THE NORTH LITTLE ROCK MUNICIPAL CODE (NLRMC) ("Jake Brakes"); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Alderman Gipson said this is a problem in areas where lumber is hauled. People living along the interstate have to deal with the loud noises. Mayor Hays advised North Little Rock Police would be able to enforce this ordinance. On the motion of Alderman Gipson and seconded by Alderman Bryant, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-06-104 (ORDINANCE NO. 7979 - MAYOR HAYS)

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE (NLRMC) § 10-41 TO CHANGE THE MINIMUM SIZE OF DOG PENS (from ~~450'~~ to 100') DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. On the motion of Alderman Witcher and seconded by Alderman Bryant, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-06-105 (ORDINANCE NO. 7880 - MAYOR HAYS)

AN ORDINANCE VACATING AND ABANDONING AN EASEMENT LOCATED IN BLOCK 40 OF ARGENTA ADDITION IN THE CITY OF NORTH LITTLE ROCK (proximity of W. 6<sup>th</sup> Street and Main Street east of Main); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). Mayor Hays said the easement was previously granted to Central Arkansas Transit and can be reduced allowing more square footage for a proposed restaurant. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Alderman Witcher asked about the previous easement and to whom this was granted. On the motion of Alderman Hight and seconded by Alderman Witcher, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

\*\*R-06-147, on the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the resolution was recalled (7/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows:: *correct legal description from ~~Lot 000, Block 005~~, to Lot 5, Block 0* (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted as amended (7/0).

#### **PUBLIC COMMENTS-----**

Mayor Hays recognized Ward 1 Alderman-elect Debi Ross who was present and said she ran a good campaign and looked forward to her joining the council in 2007. Mayor Hays also congratulated Ward 2 Alderwoman Robinson who was reelected. A run-off election will be held on Tuesday, November 28, 2006. Voters living in Ward 3 were reminded to vote. Alderman Gipson acknowledged Ward 4 Alderman Witcher who was unopposed. Mayor Hays also congratulated City Attorney Paul Suskie and City Treasurer Mary Ruth Morgan who were all unopposed. Alderman Bryant has been called regarding the dirt piles located at 47<sup>th</sup> Street and Ridge Road. Mr. Suskie advised the matter had been referred to him and would recommend deeming the property as a nuisance. Alderman Bryant announced the Arkansas Symphony Orchestra "Holiday" concert, Sunday, December 3, 2006. Alderman Hight announced the annual North Little Rock Sertoma Club Christmas Parade, which will be held on Saturday, December 2, 2006, beginning at 1:00 p.m. His wife, Becky is the chairman this year. Alderman Thomas asked if replacing an existing mobile home with another one would be allowed under the "grandfather" clause. Mr. Suskie said it would not. Mayor Hays updated the council with regard to the budget for 2007 which he will file on or before the next council meeting. The council will be asked to consider privilege/franchise fees for Entergy, waste water and natural gas customers, along with an increase in privilege tax fees. A telephone franchise fee was recently adopted. Mayor Hays will visit with council members regarding the proposals. A special meeting and public hearings may be necessary. The Plum Point Plant is expected to come on line in 2010. Ms. Whitbey announced "Operation Diaper Drop" which is a team effort between the North Little Rock Chamber of Commerce and the city and encouraged employees and residents to donate diapers for the Airmen and Family Readiness Center. Diapers can be dropped off at any North Little Rock Fire Station between now and December 15. Mr. James Ard said the recent election was dirty and comments were made about qualifications. He observed a candidate leaving cigarette butts at a polling site. Mr. Ard complained to Code Enforcement regarding political signs. Mr. John Santoro congratulated Alderwoman Robinson on her win. Ms. Sharon Wiess lives on Ridge Road, across the street from the previously mentioned dirt pile. When it rains, dirt and debris wash into her yard, mud is everywhere. She urged the council to do something. There have been several burglaries in the area recently. Residents in the area are considering a Class Action lawsuit against the property owner regarding the dirt. Mayor Hays asked Mr. Ed Chapman, to visit with Public Works Director, Bob Ward to see what can be done to reduce the problem until it is resolved. Ms. Weiss said gravel and hay bales have been placed in the area, but the gravel washes away, too. The bales of hay have helped.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the meeting adjourned at 8:42 p.m. (7/0), until the next regular meeting to be held on Monday, November 27, 2006, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS  
ATTEST: DIANE WHITBEY, CITY CLERK